

UNITED STATES DISTRICT COURT

for the

District of Utah

____ Central ____ Division

FILED
U.S. DISTRICT COURT

2020 FEB -7 P 3:52

DISTRICT OF UTAH

Thomas M Zakis

Case No.

2:20-cv-45-HCN
(to be filled in by the Clerk's Office)_____
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MetTel

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No**Amended COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Thomas M Zakis
Street Address	1099 West Temple C208
City and County	Salt Lake City
State and Zip Code	UT 84101
Telephone Number	801 554-8246
E-mail Address	tzakis2003@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	MetTel
Job or Title <i>(if known)</i>	Human Resources
Street Address	55 Water St 32nd fl,
City and County	New York, Kings County
State and Zip Code	NY 10041
Telephone Number	(877) 963-8663
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	MetTel
Job or Title <i>(if known)</i>	Information Technology
Street Address	420 E S Temple #560,
City and County	Salt Lake City, Salt Lake
State and Zip Code	UT 84111
Telephone Number	(877) 963-8663
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	MetTel
Street Address	420 E S Temple #560,
City and County	Salt Lake City, Salt Lake
State and Zip Code	UT 84111
Telephone Number	(877) 963-8663

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law *(specify the federal law)*:

☐ Relevant state law *(specify, if known)*:

☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☒

Failure to hire me.

☐

Termination of my employment.

☐

Failure to promote me.

☐

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☐

Retaliation.

☐

Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

09/21/2018

C. I believe that defendant(s) *(check one)*:

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐

race _____

☐

color _____

☐

gender/sex _____

☐

religion _____

☐

national origin _____

☐

age *(year of birth)* 58 *(only when asserting a claim of age discrimination.)*

☐

disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

Offer of employment presented by hiring manager and HR staff. Email and verbal. Sent in information too identify: Utah Drivers License and SSN. Company cut off all communications after the I-9 information sent. Requested back ground investigation report. Company did not reply. Retained attorney to request back ground investigation under FRCA. Company replied background report not conducted. After filing with EEOC legal representative advised offer rescinded due to driving on suspension 2010. Never have I had a violation of driving on suspension. See Utah DMV report. Also initially it was denied a background investigation had been processed until after filing with EEOC 540-2018-05148 09-21-2018

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

09/21/2018

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on *(date)* 12/02/2019 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Lost wages actual and forecasted. Compensation for exacerbating my financial situation and exacerbating my mental health disabilities. 75,000.00 per year of not hired in actual annual lost wages. Punitive damages to be considered by jury.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

2/7/2020

Signature of Plaintiff

Printed Name of Plaintiff

Thomas M Zakis

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Amended Complaint for Case:2:2--cv-00045

to Include:

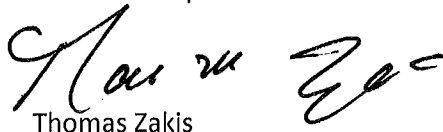
The Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681

Include violations of the FCRA (FCRA).

It is alleged the respondent obtained an inaccurate background check. They failed to provide a copy of the background check conducted by GIS investigations. Nor did they allow for disputing the information in the background investigation report that MetTel had as there disposal. They did provide a report application of the reporting agency GIS but the report itself nor in a timely manner that the plaintiff could review and dispute any inaccurate information that MetTel justified to rescind an offer of employment. MetTel only provide this after plaintiff had to hire an attorney to request a copy of the background investigation as they refused and ignored initial request by plaintiff, although representation stated "as previously provided to Mr Zakis" in a letter dated to Justin Ashworth lawyer requesting the report the letter dated October 10th, 2020.

They mentioned only after the EEQC charge the reason for not hiring me as an employee was due to a conviction for driving under suspension in 2010. This turned out to be false and disputed with the company February 2020 only after the plaintiff requested a copy to the agency off the application form sent to the plaintiff well after the EEQC charge was initiated.

The agency has corrected this particular instance of false reporting and others are in process as they report was flawed with many misstated facts, that again the respondent never allowed the plaintiff to review or dispute.

A handwritten signature in black ink, appearing to read "Thomas Zakis", with a stylized flourish at the end.

Thomas Zakis

February 7th, 2020